UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,551	09/19/2005	Adrian Barclay Caroen	URQU.P-019	3821

57381 7590 12/22/2006
Marina Larson & Associates, LLC
P.O. BOX 4928
DILLON, CO 80435

EXAMINER	
BRAHAN, THOMAS J	
ART UNIT	PAPER NUMBER
3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,551	CAROEN ET AL.	
	Examiner	Art Unit	
	Thomas J. Brahan	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/21/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1-18 and 20-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example:

a. In claim 1, line 2, the term "said restraint" lacks antecedent basis within the claim.

b. In the last line of claim 1, the term "the fixing point" lacks antecedent basis within the claim.

c. In claims 7 and 8, the term "said belt" lacks antecedent basis within the claims.

d. The scope of claims 9-13 and 22 is unclear as these claims are drawn to a different invention than claim 1, from which they depend.

e. In claim 14, lines 2 and 3, the term "the containment" lacks antecedent basis within the claim.

f. The scope of claim 17 is unclear. It is written as to be an apparatus type claim, but is devoid of structural limitations, appearing to be claiming a method of use.

g. In claim 21, the term "said reel housing" lacks antecedent basis within the claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1-5, 7, 8 and 21, as understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Gray. Gray shows a containment device with the reels (60 and 70) mounted in a reel carrier (34) and webs (26 and 28) extending to an installation, the reel carrier being displaced from the installation as the webs unwind from the reels. The reel carrier includes a fixing component (38) attachable to a fixing component (44) of the installation, as the entire chair can be considered as the installation, as recited in claim 2. The reels of Gray have locking means (66) as recited in claim 3, 4 and 21, and a retraction means (62), as recited in claim 5. The elements that surround the slots for the belts at the location that they enter the carrier (34) are support members, as recited in claims 7 and 8.

6. Claims 1-8 and 21, as understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Nelson. Nelson shows a belt shortening device that is displaceable and can be fixed anywhere along the length of the web, including at an end of the web and at an installation. Unwinding the web move displaces the device from the installation. It includes a lock (26), as recited in claims 3, 4 and 21, and a retraction means (36), as recited in claim 5. It is sized and shaped to fit in a hand, as recited in claim 6, and a carrier (20) surrounds the belt, as recited in claims 7 and 8.

7. Claims 9, 13, 17, 18 and 20, as understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay (cited by applicant) in view of Gray. Figure 6 of Tremblay shows a stair lift chair with a seat belt. It varies from the claims by not having a removably connected reel. Gray shows a cushioned seat belt for use by a child, as detailed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to substitute the seat belt of Gray onto the chair lift of Tremblay as to have it usable by a child, as per the teachings of Gray.

8. Claims 9-12, 14-18, 20, 22 and 23, as understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nelson. Figure 6 of Tremblay shows a stair lift chair with a seat belt. It varies from the claims by not having a removably connected reel. Nelson shows a removable seat belt shortening device with a reel. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the seat belt of Tremblay with a shortening device, for use by smaller occupants, as taught by Nelson.

9. Claims 14, 15 and 17-20, as understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Stevenson et al. Figure 6 of Tremblay shows a stair lift chair with a seat belt. It varies from the claims by not having a removably connected reel. Stevenson et al shows a cushioned seat belt for use by a child have a reel carrier (10). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to substitute the seat belt of Gray onto the chair lift of Tremblay as to have it usable by a child, as per the teachings of Stevenson et al.

10. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/8/06

Thomas J. Brahan
Primary Examiner
Art Unit 3654